



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 20, 1998

Mr. John D. Armstrong  
Askins & Armstrong, P.C.  
P.O. Box 1218  
La Porte, Texas 77572-1218

OR98-1989

Dear Mr. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117879.

The City of La Porte (the "city") received an open records request from Mr. Stephen Boutros for certain records held by the city. In your request for an open records decision, you argue that the requested information is excepted from required public disclosure pursuant to section 552.103 of the Government Code. You did not, however, submit to our office at that time copies of the records at issue. *See* Gov't Code § 552.301(b).

Pursuant to section 552.303(c) of the Government Code, on July 1, 1998, our office notified you by letter sent via facsimile that you had failed to submit information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), *id.*, failure to comply would result in the legal presumption that the requested information is public information.

You did not timely provide our office with the information that was requested in our July 1, 1998 notice to you. Therefore, as provided by section 552.303(e), the requested information is presumed to be public absent a demonstration that a compelling interest exists for withholding the information. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Government Code section 552.302); Open Records Decision No. 319 (1982).

Because you have not presented this office with compelling reasons for withholding the requested information pursuant to section 552.103, we deem this exception to disclosure as being waived.<sup>1</sup> Consequently, the city must release the requested records in their entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/RWP/ch

Ref.: ID# 117879

Enclosures: Submitted documents

cc: Mr. Stephen G. Boutros  
Grossman & Waldman, L.L.P  
Wedge International Tower  
1415 Louisiana, Suite 3800  
Houston, Texas 77002  
(w/o enclosures)

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<sup>1</sup>Generally, the applicability of sections 552.103, 552.107, and 552.108 does not provide a compelling reason for overcoming the presumption of openness. Open Records Decision Nos. 630 (1994), 473 (1987).